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**DECLARATION AND POWER OF ATTORNEY
FOR CONTINUATION-IN-PART APPLICATION**

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the improvement in described and claimed in the specification entitled **OPTICAL SWITCH**

- a. ☐ attached hereto.
- b. ☒ filed on December 20, 2001 as Application Serial No. 10/027,775 and amended on December 20, 2001 (if applicable);

and that this application in part discloses and claims subject matter disclosed in my or our earlier filed pending application, Serial No. **09/799,329**, filed March 5, 2001, and grandparent application Serial No. **09/749,068**, filed December 27, 2000, the benefits of which are hereby claimed under 35 U.S. Code §120. I hereby state that I have reviewed and understand the contents of this application, including the claims, as amended by any amendment referred to above; and that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Under Title 35 U.S. Code §119, the priority benefits of the following foreign application(s) filed within one year prior to said earlier filed pending application are hereby claimed:

<u>Country</u>	<u>Application Number</u>	<u>Filing Date</u>
Japan	2000-391715	December 22, 2000
Japan	2001-056740	March 1, 2001

The following applications for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to said earlier filed pending application, or (b) before the filing date of the above-named foreign priority application(s): **NONE**

As to any and all subject matter of this application which is not common to said earlier application, I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the filing date of this application.

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Under Title 35 U.S. Code §119, the priority benefits of the following foreign application(s) filed within one year prior to this application are hereby claimed: **NONE.**

The following applications for patent or inventor's certificate on such subject matter were filed in countries foreign to the United States of America either (a) more than one year prior to this application, or (b) before the filing of the immediately above-named foreign priority application(s): **NONE.**

I hereby appoint the following as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office:

Stephen P. Burr, Reg. No. 32,970
Kevin C. Brown, Reg. No. 32,402

all of:

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Please direct telephone calls in connection with this application to:

Stephen P. Burr, (315) 233-8300.

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Stephen P. Burr, (315) 233-8320.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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SIGNATURES

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* DATE OF SIGNATURE July 24, 2002
Month Day Year

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